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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91205827
Party	Plaintiff Sturgis Motorcycle Rally, Inc.
Correspondence Address	JASON M SNEED SNEED PLLC 610 JETTON STREET, SUITE 120-107 DAVIDSON, NC 28036 UNITED STATES JSneed@SneedLegal.com, Litigation@SneedLegal.com
Submission	Motion to Compel Discovery
Filer's Name	Jason M. Sneed
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Signature	/Jason M. Sneed/
Date	05/21/2013
Attachments	2013-05-21 Motion to Compel - Exhibit A-1.pdf(1037963 bytes) 2013-05-21 Motion to Compel - Exhibit A-2.pdf(1390727 bytes) 2013-05-21 Motion to Compel - Exhibit A-3.pdf(1611424 bytes) 2013-05-21 Motion to Compel - Landrum Declaration.pdf(60856 bytes)

April 5, 2013

via U.S. Mail

Ian K. Boyd
Harvey Siskind LLP
Four Embarcadero Center, 39th Floor
San Francisco, California 94111

Re: Opposition No. 91205827; STURGIS CHOPPERS

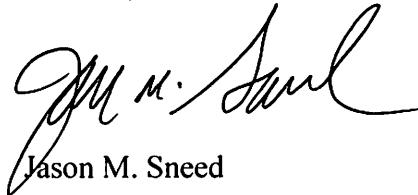
Dear Mr. Boyd,

Enclosed please find the following:

- *First Set of Interrogatories of SMRI to Applicant Charles Nucci; and*
- *First Request for the Production of Documents and Things of SMRI to Applicant Charles Nucci.*

Please do not hesitate to contact me should you have any questions regarding this matter.

Sincerely,


Jason M. Sneed

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Sturgis Motorcycle Rally, Inc.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91205827
)	
Charles Nucci,)	
)	
Applicant.)	

FIRST SET OF INTERROGATORIES OF SMRI TO APPLICANT CHARLES NUCCI

Opposer, Sturgis Motorcycle Rally, Inc. (“SMRI” or “Respondent”), pursuant to Rules 26 and 33, Federal Rules of Civil Procedure (“FRCP”), requests that Applicant, Charles Nucci (“Mr. Nucci” or “Applicant”) answer the following interrogatories, which are to be answered under oath within thirty (30) days of service. The Federal Rules of Civil Procedure and the Trademark Trial and Appeal Board Manual of Procedure, and the definitions and instructions contained therein, apply to the interpretation of these requests.

Instructions

When asked to “Identify” a person, state the person’s name, residential address, phone number, employer and address of employment. When asked to “Identify” an entity, state the entity’s legal name, any d/b/a or trade name used by the entity, the address of the principal place of business of the entity, and the phone number of the entity. When asked to “Identify” a document, state the title of the document, identify all author(s) of the document, identify all recipient(s) of the document, and state the date of the document, or, if all of the foregoing information is shown or described or shown in the document, you may produce a copy of the document in lieu of identifying it.

A “document” includes all documents, records, files, memoranda, contracts, agreements, notes, work papers, work flow diagrams, preliminary materials, drafts, summaries, drawings, graphics, e-mail, voice mail, and data compilations of any kind, whether in tangible, electronic, mechanical, electrical, digital, or any other form, and any other retrievable information stored on the defendant’s computer systems, hard drives, tapes, disks, backup devices and systems, laptops, tablets, PDAs, cellular telephones, and pagers, and any other electronic devices and systems, both on-site and off-site, that can store information. A draft of a document or non-identical copy of a document is a separate document. A document includes all deleted or erased files on a computer or any other storage device.

Definitions

1. “SMRI” shall refer to Opposer, Sturgis Motorcycle Rally, Inc.
2. “Mr. Nucci” shall refer to Applicant, Charles Nucci.
3. “Application” shall refer to U.S. Trademark Application Serial No. 85/052,322.
4. “SMRI’s STURGIS Marks” shall refer to the following marks, collectively:

STURGIS®, STURGIS BIKE WEEK®, TAKE THE RIDE TO STURGIS®, STURGIS RALLY & RACES™, STURGIS MOTORCYCLE RALLY™, and a design mark referred to as the STURGIS Composite Design Mark of which the most prominent component is the word “STURGIS,” as reflected in U.S. Registration No. 1,948,097.

5. “SMRI’s STURGIS Registrations” shall refer to the following, collectively:
 - a. Registration No. 3,923,284 for the mark STURGIS, in connection with, *inter alia*, “Clothing, namely, shirts, T-shirts, long sleeve T-shirts, sleeveless T-shirts, denim shirts, golf shirts, jackets, coats, tank tops, polo shirts, sweatshirts, pullovers, women's tops, chemises, cloth wraps, head wear, bandannas, caps, cloth head wraps, hats, scarves, belts, chaps, gloves, and sun visors, all of the aforementioned goods relating to the STURGIS motorcycle rally” in International Class 25;

- b. Registration No. 3,818,703 for the mark STURGIS BIKE WEEK, in connection with "Clothing, namely, shirts, sweatshirts, bandanas, embroidered clothing, namely, shirts, sweatshirts" in International Class 25;
- c. Registration No. 2,698,677 for the mark TAKE THE RIDE TO STURGIS in connection with "Clothing -Namely, T-Shirts and Sweatshirts and Caps" in International Class 25; and
- d. Registration No. 1,948,097 for the STURGIS Composite Design Mark, in connection with "promoting sports competitions and/or events of others, namely motorcycle rallies, exhibits and competitions; and promoting economic development in the city of Sturgis and the Black Hills area of South Dakota and Wyoming" in International Class 35.

Interrogatories

1. Explain the circumstances, including a reasonable approximation of the date, under which Applicant became aware of (a) SMRI, (b) each of SMRI's STURGIS Marks, (c) each of SMRI's STURGIS Registrations, and (d) the STURGIS Motorcycle Rally hosted by SMRI and its licensees, including the City of Sturgis, South Dakota.

ANSWER:

2. Identify the date the STURGIS CHOPPERS mark was created, the person(s) who created the mark, and explain the circumstances of the creation of the mark.

ANSWER:

3. Identify any trademark search or similar research by or on behalf of Applicant with respect to the availability for use and/or ability to register the STURGIS CHOPPERS mark, the dates of all such searches, and the results of all such searches.

ANSWER:

4. State the date of first use anywhere, if any, of the STURGIS CHOPPERS mark and the time period in which the mark has been used anywhere, noting any period of non-use.

ANSWER:

5. State the date of first use in commerce, if any, of the STURGIS CHOPPERS mark and the time period in which the mark has been used in commerce in the United States, noting any period of non-use.

ANSWER:

6. Identify all goods and services covered by the Application and on or in connection with which the STURGIS CHOPPERS mark has been used and the number of units of each good or service sold or distributed in the U.S. on or in connection with the mark.

ANSWER:

7. Identify each and every license or permission, whether verbal or written, granted by Mr. Nucci to another party to use the STURGIS CHOPPERS mark.

ANSWER:

8. Identify and describe each and every instance known to Mr. Nucci in which any person has inquired about or expressed confusion or mistake about: (a) on the one hand, SMRI and any of SMRI's STURGIS Marks; and (b) on the other hand, Mr. Nucci or the STURGIS CHOPPERS mark. For each such instance, identify the person making the inquiry or expression, the person to whom the inquiry or expression was made, and the date and circumstances of the event.

ANSWER:

9. Describe the similarity or dissimilarity in their entireties of the SMRI Marks, on the one hand, and the STURGIS CHOPPERS mark, on the other hand, as to appearance, sound, connotation and commercial impression.

ANSWER:

10. Describe the similarity or dissimilarity of the nature of the goods or services as described in the Application, on the one hand, and each of the STURGIS Marks and STURGIS Registrations, on the other hand.

ANSWER:

11. Describe the established, likely-to-continue trade channels in which Mr. Nucci uses or has a *bona fide* intention-to-use the STURGIS CHOPPERS mark.

ANSWER:

12. Describe the conditions under which and buyers to whom sales are made using the STURGIS CHOPPERS mark, i.e. “impulse” vs. careful, sophisticated purchasing. If Mr. Nucci has made no use of the STURGIS CHOPPERS mark, describe the conditions under which and buyers to whom Mr. Nucci intends to make sales using the STURGIS CHOPPERS mark.

ANSWER:

13. Identify all marks similar to the STURGIS CHOPPERS mark in use on goods similar to those identified in the Application.

ANSWER:

14. Identify all marks similar to SMRI’s STURGIS Marks in use on goods similar to those identified in the Application.

ANSWER:

15. Identify each and every trademark registration or application owned by Mr. Nucci and relating or referring to motorcycles or motorcycle rallies.

ANSWER:

16. Describe the variety of goods and services offered by Mr. Nucci in conjunction with the STURGIS CHOPPERS mark and indicate for each whether the STURGIS CHOPPERS mark is, is not, or is not intended to be used.

ANSWER:

17. Describe any actions taken by Mr. Nucci and the results thereof to exclude others from use of the STURGIS CHOPPERS mark on goods and services covered by the Application.

ANSWER:

18. Identify all facts not otherwise addressed herein, if any, which Mr. Nucci contends are probative of the effect of Mr. Nucci's use or intention to use the STURGIS CHOPPERS mark *vis-à-vis* SMRI's STURGIS Marks or SMRI's STURGIS Registrations.

ANSWER:

19. Identify all facts referring or relating to, supporting or detracting from, Applicant's alleged abandonment by SMRI of any of SMRI's STURGIS Marks.

ANSWER:

20. Identify all facts supporting or detracting from, Applicant's alleged naked licensing by SMRI of any of SMRI's STURGIS Marks.

ANSWER:

21. Identify all facts supporting or detracting from Applicant's allegation of waiver by or acquiescence of SMRI related to any of SMRI's claims in this proceeding.

ANSWER:

22. Identify all facts supporting or detracting from Applicant's allegations that laches and unclean hands applies to SMRI's claims in this proceeding.

ANSWER:

23. Identify all facts supporting or detracting from, Applicant's affirmative defense of estoppel due to SMRI having "long been aware of Applicant and ha[ving] taken no action to protect its rights," including the date when SMRI allegedly became aware of Applicant's activities.

ANSWER:

24. Identify all facts supporting or detracting from, Applicant's allegation that SMRI has failed to plead a claim upon which relief can be granted.

ANSWER:

25. Identify all facts supporting or detracting from Applicant's allegation that SMRI is "not likely to be damaged by the registration of the mark at issue."

ANSWER:

26. Identify all facts supporting or detracting from, Applicant's allegation that SMRI's STURGIS Registrations are "primarily geographically descriptive of the goods/services they represent."

ANSWER:

27. Identify all facts supporting or detracting from, Applicant's allegation that SMRI's STURGIS Registrations are "primarily geographically deceptively misdescriptive of the goods/services they represent."

ANSWER:

28. Identify all facts supporting or detracting from, Applicant's allegation that "[c]onsumers are likely to make, and do in fact make, a goods-place association" related to any of SMRI's STURGIS Marks.

ANSWER:

29. Identify all facts supporting or detracting from Applicant's allegation that the term "Sturgis" as incorporated in SMRI's STURGIS mark and SMRI's STURGIS BIKE WEEK mark is primarily geographically descriptive.

ANSWER:

30. Identify all facts supporting or detracting from, Applicant's allegations that Applicant is harmed by the continued registration of SMRI's STURGIS mark and SMRI's STURGIS BIKE WEEK mark.

ANSWER:

31. Identify each of the witnesses Applicant intends to call as witnesses in this matter, and, for each such witness, state the nature of the expected testimony and identify the documents and materials Applicant expects to be referenced in such testimony.

ANSWER:

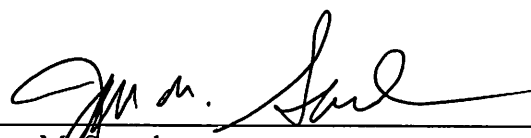
32. Identify each person Applicant intends to call to provide expert testimony in this matter and, for each such witness, describe the qualifications of the witness, state and describe all opinions rendered and expected to be rendered by each such person, identify each document reviewed and relied upon by the witness, and identify all related documents pertaining to the expert testimony and its formation.

ANSWER:

33. Identify by category and location--of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses.

ANSWER:

Dated: April 5, 2013



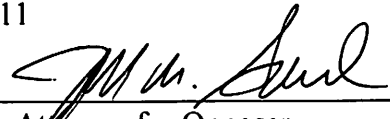
Jason M. Sneed
SNEED PLLC
610 Jetton St., Suite 120-107
Davidson, North Carolina 28036
(704) 779-3611 (tel)
JSneed@SneedLegal.com

*Attorney for Respondent and Registrant,
Sturgis Motorcycle Rally, Inc.*

Certificate of Service

The undersigned certifies that a copy of the **FIRST SET OF INTERROGATORIES OF SMRI TO APPLICANT CHARLES NUCCI** has been served upon Applicant by placing in U.S. Mail, postage prepaid, this the 5th day of April 2013, addressed to the following:

Ian K. Boyd
Harvey Siskind LLP
Four Embarcadero Center, 39th Floor
San Francisco, California 94111



An Attorney for Opposer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

_____)	
Sturgis Motorcycle Rally, Inc.,)	
)	
Opposer,)	
)	Opposition No. 91205827
v.)	
)	
Charles Nucci,)	
)	
Applicant.)	
_____)	

**FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS AND THINGS OF
SMRI TO APPLICANT CHARLES NUCCI**

Opposer, Sturgis Motorcycle Rally, Inc. ("SMRI" or "Respondent"), pursuant to Rules 26 and 34, Federal Rules of Civil Procedure ("FRCP"), requests that Applicant, Charles Nucci ("Mr. Nucci" or "Applicant") produce the following documents and things within thirty (30) days of service of this request for inspection and copying at SNEED PLLC, 610 Jetton St., Suite 120-107, Davidson, North Carolina 28036, or by delivering to that address, or such other time and place as agreed upon by counsel. The Federal Rules of Civil Procedure and the Trademark Board Manual of Procedure, and the definitions and instructions contained therein, apply to the interpretation of these requests. Plaintiff incorporates by reference herein the Definitions and Instructions set forth in *First Set of Interrogatories of SMRI to Applicant Charles Nucci*, served contemporaneously with these requests.

Requests for Production

Respondent requests that Petitioner produce all of the following:

1. All documents pertaining to the creation, first use and first use in commerce of the STURGIS CHOPPERS mark.

2. Document sufficient to show Applicant's intention to use the STURGIS CHOPPERS mark in commerce at the time of application and continuing to the present.
3. For each year in which the STURGIS CHOPPERS mark was shown in a product catalog, sales flyer or similar document, produce each such catalog, sales flyer, or document.
4. For each website on which the STURGIS CHOPPERS mark was shown, produce a copy of each such website, including the URL(s) of all such website(s).
5. Representative samples of all types of marketing and advertising used, on an annual basis, by Applicant in which the STURGIS CHOPPERS mark was displayed to the public.
6. Documents and materials showing all advertising and marketing expenditures for any and all goods covered by the Application and bearing the STURGIS CHOPPERS mark.
7. Documents and materials showing all goods and services covered by the application and which Applicant intends to offer, distribute, or sell to the public, or has offered, distributed or sold to the public, bearing the STURGIS CHOPPERS mark.
8. All documents containing or comprising any communications by or among Applicant on the one hand, and SMRI, its representatives, or its agents, on the other hand, pertaining to SMRI's STURGIS Marks, SMRI's STURGIS Registrations, the STURGIS CHOPPERS mark, this opposition proceeding or any claim or issue relevant to this opposition proceeding.
9. All documents containing or comprising any communications by or among Mr. Nucci, and any third party pertaining to SMRI's STURGIS Marks, SMRI's STURGIS Registrations, the STURGIS CHOPPERS mark, this opposition proceeding or any claim or issue relevant to this opposition proceeding.

10. Any and all documents making any reference to SMRI, SMRI's STURGIS Marks, or SMRI's STURGIS Registrations.

11. All documents containing or comprising any communication by and among Applicant on the one hand, and any member of the public, on the other hand, pertaining to any actual or perceived connection, sponsorship, endorsement, affiliation or relationship by and among SMRI, and any licensee or representative of SMRI, on the one hand, and Applicant and the STURGIS CHOPPERS mark, on the other hand.

12. Any and all documents pertaining to the quantity of sales of any and all goods and services covered by the Application. If such documents are not in Applicant's possession, custody, or control, a summary sufficient to show the same, on an annual basis.

13. All documents related to any license or permission to use the STURGIS CHOPPERS mark, whether verbal or written, by Applicant in conjunction with the sale of all goods and services covered by the Application.

14. Any and all statements received from any person by Mr. Nucci or his representatives, agents and attorneys, relevant to SMRI's STURGIS Marks, SMRI's STURGIS Registrations, SMRI's activities, this opposition proceeding or any of the claims or issues in this opposition proceeding, regardless of whether the statement was used or is intended to be used at any hearing, at trial, or for any other purpose in this opposition proceeding.

15. All documents comprising or concerning any and all enforcement activities by Mr. Nucci, directed toward an infringement or misuse of the STURGIS CHOPPERS mark.

16. Each and every contract, license, agreement entered into or promise made or received related to SMRI's STURGIS Marks or SMRI's STURGIS Registrations by or among

Mr. Nucci, with any of the following: (a) SMRI; (b) the Sturgis Area Chamber of Commerce; (c) Sturgis Rally & Races, Inc.; (d) Champion Sports Group; (e) Champion Rally Productions.

17. Any and all documents constituting or concerning any right, permission, entitlement or license by Mr. Nucci to use any of SMRI's STURGIS Marks in conjunction with any good or service covered by the Application.

18. Any and all documents comprising or concerning the first instance in which any Mr. Nucci, or any employee, agent, attorney, or representative acting on Mr. Nucci's behalf, became aware of (a) SMRI, (b) each of SMRI's STURGIS Marks, (c) each of SMRI's STURGIS Registrations, and (d) the STURGIS Motorcycle Rally hosted by SMRI and its licensees, including the City of Sturgis, South Dakota.

19. All documents concerning or comprising any search or analysis performed by or on behalf of Mr. Nucci regarding any of SMRI's STURGIS Marks.

20. All documents concerning or comprising any search or analysis performed by or on behalf of Mr. Nucci regarding the STURGIS CHOPPERS mark.

21. Any and all documents constituting or concerning any purported right, permission, entitlement or license by Mr. Nucci to use the STURGIS CHOPPERS mark.

22. Any and all documents pertaining to Mr. Nucci ceasing use of the STURGIS CHOPPERS mark, whether temporarily or permanently.

23. Any and all documents pertaining to any instance in which any person expressed confusion or mistake pertaining to Mr. Nucci, the STURGIS CHOPPERS mark and the related goods and services, or any of them, on the one hand, *vis-à-vis*, SMRI, SMRI's STURGIS Marks, or SMRI's STURGIS Registrations, their respective goods and services, or any of them, on the other hand.

24. Any and all documents pertaining to any instance in which any person questioned the validity, ownership or right of Mr. Nucci to use or register with any trademark office the STURGIS CHOPPERS mark.

25. Any and all documents showing the inventory of goods covered by the Application.

26. Any and all documents showing the import into this country of goods covered by the Application, including documents showing the port(s) of entry, the identity of the manufacturer(s) of any and all such goods, and the carriers used in transit.

27. Documents showing the identity of any and all locations in the United States where any and all goods covered by the Application are warehoused, stored and/or maintained.

28. All documents comprising or pertaining to any public statement or statement to any member of the media made by or on behalf of Mr. Nucci pertaining to any of the following: (a) the STURGIS CHOPPERS mark; (b) SMRI; (c) SMRI's STURGIS Marks; (d) SMRI's STURGIS Registrations; (e) SMRI's activities; (f) any person acting for or on behalf of SMRI, including but not limited to any officer or director of SMRI.

29. All documents comprising or pertaining to any Internet website communication, including "social media," published by or on behalf of Mr. Nucci pertaining to any of the following: (a) the STURGIS CHOPPERS mark; (b) SMRI; (c) SMRI's STURGIS Marks; (d) SMRI's STURGIS Registrations; (e) SMRI's activities; (f) any person acting for or on behalf of SMRI, including but not limited to any officer or director of SMRI.

30. Any joint defense agreement, common interest agreement, or other contract by and among Mr. Nucci and any third-party that pertains to this opposition proceeding.

31. All documents and communications exchanged by and among Mr. Nucci and any third party with respect to the use, application to register or registration of SMRI's STURGIS Marks or the STURGIS CHOPPERS mark, including but not limited to any statement from any witness or potential witness.

32. All documents concerning the use of the term "Sturgis" by non-licensed third parties.

33. All documents and communications referring or relating to, supporting or detracting from, Applicant's alleged abandonment by SMRI of any of SMRI's STURGIS Marks.

34. All documents and communications referring or relating to, supporting or detracting from, Applicant's alleged naked licensing by SMRI of any of SMRI's STURGIS Marks.

35. All documents and communications referring or relating to, supporting or detracting from, Applicant's alleged waiver by or acquiescence of SMRI related to any of SMRI's claims in this proceeding.

36. All documents and communications referring or relating to, supporting or detracting from, Applicant's allegations that laches and unclean hands applies to SMRI's claims in this proceeding.

37. All documents and communications referring or relating to, supporting or detracting from, Applicant's affirmative defense of estoppel due to SMRI having "long been aware of Applicant and ha[ving] taken no action to protect its rights."

38. All documents and communications referring or relating to, supporting or detracting from, Applicant's allegation that SMRI has failed to plead a claim upon which relief can be granted.

39. All documents and communications referring or relating to, supporting or detracting from, Applicant's allegation that SMRI is "not likely to be damaged by the registration of the mark at issue."

40. All documents and communications referring or relating to, supporting or detracting from, Applicant's allegation that SMRI's STURGIS Registrations are "primarily geographically descriptive of the goods/services they represent."

41. All documents and communications referring or relating to, supporting or detracting from, Applicant's allegation that SMRI's STURGIS Registrations are "primarily geographically deceptively misdescriptive of the goods/services they represent."

42. All documents and communications referring or relating to, supporting or detracting from, Applicant's allegations that "[c]onsumers are likely to make, and do in fact make, a goods-place association" related to any of SMRI's STURGIS Marks.

43. All documents and communications referring or relating to, supporting or detracting from, Applicant's allegations that the term "Sturgis" as incorporated in SMRI's STURGIS mark and SMRI's STURGIS BIKE WEEK mark is primarily geographically descriptive.

44. All documents and communications referring or relating to, supporting or detracting from, Applicant's allegations that Applicant is harmed by the continued registration of SMRI's STURGIS mark and SMRI's STURGIS BIKE WEEK mark.

45. All documents and communications otherwise referring or relating to, supporting or detracting from, Applicant's affirmative defenses, Applicant's counterclaims and, Applicant's petition for cancellation of SMRI's STURGIS mark and SMRI's STURGIS BIKE WEEK mark.

46. All documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses.

47. All documents shown to any expert witness expected to testify as a witness in this matter, together with any and all documents received from any such expert, the expert's *curriculum vitae*, a record of all matters in which the expert previously has testified under oath, a summary of the expert's opinions and expected opinions, and a listing of any and all documents and materials reviewed, considered or used in the formation of any opinion by the expert relevant to the subject matter of this litigation.

48. All documents used in responding to *First Set of Interrogatories of SMRI to Applicant Charles Nucci*, served contemporaneously with this request.

49. All documents Mr. Nucci may use as an exhibit in this opposition proceeding.

50. The document retention policy, if any, of Mr. Nucci.

Dated: April 5, 2013




Jason M. Sneed
SNEED PLLC
610 Jetton St., Suite 120-107
Davidson, North Carolina 28036
(704) 779-3611 (tel)
JSneed@SneedLegal.com

*Attorney for Respondent and Registrant,
Sturgis Motorcycle Rally, Inc.*

Certificate of Service

The undersigned certifies that a copy of the **FIRST REQUEST FOR THE PRODUCTION OF DOCUMENTS AND THINGS OF SMRI TO APPLICANT** has been served upon Applicant by placing in U.S. Mail, postage prepaid, this the 5th day of April 2013, addressed to the following:

Ian K. Boyd
Harvey Siskind LLP
Four Embarcadero Center, 39th Floor
San Francisco, California 94111


An Attorney for Opposer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

_____)	
Sturgis Motorcycle Rally, Inc.,)	
)	
Opposer,)	
)	Opposition No. 91205827
v.)	
)	
Charles Nucci,)	
)	
Applicant.)	
_____)	

DECLARATION OF CHARLES M. LANDRUM III

I, Charles M. Landrum III, declare and state as follows:

1. I am over the age of 21, a resident of the State of Georgia and suffer from no legal disability that would prevent me from making the statements set forth herein.
2. I am an attorney at law licensed in the State of Georgia and of counsel to SNEED PLLC, counsel for Opposer in the above-captioned cancellation proceeding.
3. This declaration is submitted in support of Opposer's Motion to Compel Discovery. The statements herein are based on my personal knowledge.
4. On May 21, 2013, I contacted counsel for Applicant, Ian Boyd, via telephone in regard to Applicant's failure to respond to written discovery.
5. Mr. Boyd could not provide a date certain by which Applicant would respond to the requested discovery.
6. When asked the reason for Applicant's failure to respond, Mr. Boyd stated that Applicant had been "focused" on the motion to stay discovery. (Doc. No. 9).

Pursuant to 28 U.S.C. § 1746 I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed on this 21st day of May, 2013.

/Charles M. Landrum III/
Charles M. Landrum III
Attorney at Law, State of Georgia